

REMARKS

The Examiner has objected to the specification for a number of informalities. The Applicants thank the Examiner for this attention to detail. The specification is amended herein; no new matter is introduced.

Claims 1-20 are pending in this application.

The Examiner has objected to claims 3 and 5-8 for a number of informalities. The Applicants again thank the Examiner for this attention to detail. The claims are amended herein to correct these informalities. The scope of each claim remains unchanged, and no new matter is introduced.

The Examiner has rejected claims 9 and 20 under 35 U.S.C. 112, first paragraph. The specification is amended herein to replace the original citations to copending patent applications with citations to the corresponding issued patents, each of which are incorporated by reference into the specification. The specification is further amended to specifically recite that the communications system of this invention is well suited for use in the applications disclosed in these patents. This amendment adds no new matter, because the referenced patents were incorporated by reference in the original specification, and MPEP 2163.07(b) states that "information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed."

The Applicants respectfully request the Examiner's reconsideration of the rejection of claims 9 and 20 under 35 U.S.C. 112, first paragraph.

The Examiner has rejected claims 1, 11, and 13 under 35 U.S.C. 102(e) as being anticipated by Kamgar et al. (USP 6,205,167, hereinafter "Kamgar"). The Applicants respectfully traverse this rejection.

Claims 1, 11, and 13 each specifically recite the use of a transmitter code-phase that is independent of the receiver that decodes the transmission.

The Examiner cites Kamgar column 1, lines 33-36 and 39-41 for teaching a transmitter code-phase that is independent of the receiver. The Applicants respectfully traverse this interpretation of Kamgar. In the cited text, Kamgar specifically recites that "each transmitter ... within a range of *a particular receiver* is distinguishable by its *unique phase offset*" (Kamgar's "phase offset" is equivalent to the Applicants' "code-phase"). This description is consistent with the conventional CDMA network, wherein each receiver allocates a unique code-phase to each transmitter within its range, in order to distinguish the transmissions from each transmitter. Further, at column 3, line 63 through column 4, line 5, Kamgar specifically states that the receiver uses the *phase information* to set the delay-lock-loop to within half a chip interval of a transmitter's code-phase, to track the code of the selected transmitter, which is again consistent with conventional CDMA network receiver's decoding techniques. A chip interval corresponds to the distance between adjacent code-phases, and thus Kamgar sets the receiver code-phase to be substantially equal to the transmitter code-phase, based on the phase information. Because Kamgar's transmitter and receiver are set to the same code-phase, Kamgar cannot be said to teach a transmitter code-phase that is independent of the receiver.

Because Kamgar does not teach a transmitter code-phase that is independent of a receiver, and specifically teaches a transmitter code-phase that is substantially equal to the receiver code-phase, the Applicants respectfully request the Examiner's reconsideration of the rejection of claims 1, 11, and 13 under 35 U.S.C. 102(e) as being anticipated by Kamgar.

The Examiner has indicated that claims 2-11 and 14-20 would be allowable if rewritten in independent form, including all limitations of their parent claims. The claims are correspondingly amended herein. The scope of each claim remains unchanged, and no new matter is introduced.

In view of the foregoing, the Applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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On 24 September 2003

By 